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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 CARMEN POWELL

11 Plaintiff,

12 vs.

13 CITY OF CHULA VISTA, et. al.,

14 Defendants.
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Civil No. 07CV1836 JAH (JMA)

**ORDER STRIKING MOTION FOR
LEAVE TO FILE A SECOND
AMENDED COMPLAINT AND
MOTION FOR HEARING
REGARDING FILING JUVENILE
RECORDS UNDER SEAL
[DOC. NO. 65]**

16 On August 18, 2008, Plaintiff, who is appearing in this matter *pro se*, filed a request
17 for leave to file a second amended complaint¹ along with a request for a hearing date to
18 obtain authorization to file juvenile records under seal. Doc. No. 65. The motion is
19 comprised of a single sentence: "Plaintiff request [sic] leave of the Court to file a second
20 amended complaint and she is also requesting and [sic] ex parte hearing to be set to seek
21 approval to file juvenile records under seal." The motion also attaches the second amended
22 complaint she seeks leave to file.

23 Pursuant to Civil Local Rule 7.1, "Each motion or other request for ruling by the
24 court shall be accompanied by a separate motion and notice of motion and another separate
25 document captioned "Memorandum of Points and Authorities in support of [the motion]."
26 Civ. LR 7.1(f)(1). In addition, the moving party is required to obtain a hearing date from

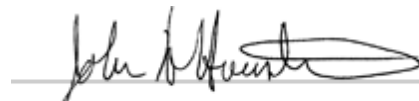
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28 ¹Amendments to pleadings are governed by Federal Rule of Civil Procedure 15, which
provides that after a responsive pleading has been filed "a party may amend its pleading only with
the opposing party's written consent or the court's leave." Fed. R. Civ. P. 15(2).

1 the clerk of the judge to whom the case is assigned. Civ. L.R.7.1(c). Hearing dates are
2 generally obtained by telephoning the judge's chambers directly. Here, Plaintiff has not
3 attached a separate Memorandum of Points and Authorities in support of her motion to file
4 a second amended complaint, nor has Plaintiff telephoned Judge Houston's law clerk to
5 obtain a hearing date. Accordingly, Plaintiff has not complied with the local rules for filing
6 a motion for leave to file a second amended complaint.

7 Plaintiff has also requested that the Court schedule an *ex parte* hearing so that she
8 may seek approval to file juvenile records under seal. Pursuant to Civil Local Rule 79.2(c),
9 a party who seeks to file documents under seal must obtain permission from the Court to
10 file said material under seal. As this Court has previously advised Plaintiff, requests to file
11 documents under seal are properly made via a separate *ex parte* application attached to the
12 documents she wants sealed. See Doc. Nos. 5, 43 and 63 (advising Plaintiff of the
13 procedures for filing documents under seal). A hearing is not required to have documents
14 filed under seal. Here, Plaintiff has failed to submit the material she wants filed under seal
15 along with a separate application to file the material under seal, and thus has failed to
16 comply with the local rules and the Court's prior orders.

17 Accordingly, for the reasons stated above, **IT IS HEREBY ORDERED** that the Clerk
18 of the Court shall **STRIKE** Plaintiff's motion for leave to file second amended complaint,
19 and motion for *ex parte* hearing for approval to file juvenile records under seal, along with
20 the second amended complaint attached thereto (Doc. No. 65) from the docket. Plaintiff
21 is advised that any future requests of the Court should be in the proper form and shall
22 comply with all applicable rules of the Federal Rules of Civil Procedure and the Civil Local
23 Rules for the United States District Court for the Southern District of California. See Fed.
24 R. Civ. P. 7; Civ. LR 7.1. Future failure to comply with the applicable rules, or order of this
25 Court, may result in dismissal of this action. See Fed. R. Civ. P. 41, Civ. LR 41.1.

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27 DATED: August 18, 2008

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JOHN A. HOUSTON
United States District Judge